

D<sup>3</sup> material comprising leaves of Ginkgo biloba, and wherein the burnable material burns during smoking.

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D<sup>4</sup> 17. (Amended) A method according to claim 14, wherein the burnable material comprises 100% by weight Ginkgo biloba leaves.

18. (Amended) A method according to claim 14, wherein the burnable material comprises 50-100% by weight Ginkgo biloba leaves.

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#### REMARKS

Claims 4, 6-9, 11-14, and 17-18 are presently pending. The Applicants' representative is appreciative of the courtesies extended by the Examiner during the interviews. During those interviews, I believe a consensus was reached in regard to the claims as amended, and that they are in a condition for allowance.

#### REJECTION UNDER 35 U.S.C. § 103

Claims 4 and 14-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 8266261.

Claims 4-5, 9-10, and 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over CN 1140036 (Abstract).

Claims 4-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll (U.S. Pat. No. 3,369,552) in view of Applicant's Admitted Prior Art.

These rejections are respectfully traversed.

JP 8266261

Applicants have stressed that JP 8266261 use "ginkgo nut" instead of "ginkgo leaves". Additionally, all ginkgo leaves can be fully burned away and inhaled by a smoker during smoking, while ginkgo nut powders of the JP patent still remain in the filter of a cigarette after smoking because the filter cannot be burned away at all.

#### **CN 1140036**

CN1140036 discloses a toxicity-reduced cigarette, characterized by comprising ginkgo leaves and other pharmaceutical components. However, as mentioned in the reference, the ginkgo leaves, as a liquid extract, are sprayed onto the tobacco leaves, thus tobaccos is necessarily used. In the present application, ginkgo leaves are burned only leading to a non-tobacco cigarette.

#### **U.S. Patent 3,369,552**

The reference does not disclose use of ginkgo leaves as substitute material, saying nothing about use of ginkgo leaves in a cigarette. Figure 2 shows a process by which dried leaves are turned into a 'fabricated product'. It is Applicants' understanding that the Carroll process is not applicable to ginkgo leaves, and is fully different from process of the present invention. Carroll discloses a process; that is, stripping the leaf material of all of its ingredients that are soluble in water and oil. Carroll teaches away from the present claimed limitations by teaching removing water and oil soluble materials from the leaves.

Contrary to this, the amended claims are directed to a cigarette comprising a burnable material or a method of smoking cessation. The present claims include a cigarette or cigar which includes the leaves which do not have water and oil soluble materials removed. Specifically, the present claims are directed to using the leaves directly in the claimed item. Carroll does not disclose or fairly teach these limitations.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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**ATTACHMENT FOR CLAIM AMENDMENTS**

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

4. (Amended) A cigarette comprising a burnable material, wherein the burnable material comprises leaves of Ginkgo biloba, wherein the burnable material burns during smoking.

9. (Amended) A cigar comprising a burnable material, wherein the burnable material comprises leaves of Ginkgo biloba, wherein the burnable material burns during smoking.

13. (Amended) A ~~cigarette~~ cigar according to claim-~~109~~, wherein the burnable material contains 50-100% by weight Ginkgo biloba leaves.

14. (Amended) A method for quitting smoking, comprising the step of smoking a cigarette comprising Ginkgo biloba leaves, wherein the cigarette comprises a burnable material comprising leaves of Ginkgo biloba, and wherein the burnable material burns during smoking.

17. (Amended) A method according to claim-~~15~~ 14, wherein the burnable material comprises 100% by weight Ginkgo biloba leaves.

18. (Amended) A method according to claim ~~15~~ 14, wherein the burnable material comprises 50-100% by weight Ginkgo biloba leaves.